

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOSE ARMANDO ALVARADO,

1:19-cv-21402-NLH

Petitioner,

MEMORANDUM OPINION & ORDER

v.

THE UNITED STATES OF AMERICA,

Respondent.

APPEARANCE:

Jose Armando Alvarado, 98944-004
Fort Dix
Federal Correctional Institution
Inmate Mail/Parcels
East: P.O. Box 2000
Fort Dix, NJ 08640
Petitioner pro se

HILLMAN, District Judge

WHEREAS, Petitioner Jose Armando Alvarado has filed a request for compassionate release under the First Step Act of 2018, docketed in this Court as a petition for writ of habeas corpus under 28 U.S.C. § 2241, see ECF No. 1; and

WHEREAS, Section 603 of the First Step Act amended 18 U.S.C. § 3582(c)(1)(A) to permit a court to modify a term of imprisonment "upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of

the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility"; and

WHEREAS, Petitioner asserts he is 70 years old and otherwise meets the requirements of the amended § 3582 and applicable Bureau of Prisons' Program Statements, see ECF No. 1 at 2; and

WHEREAS, the Court having reviewed the motion and concluded that as Petitioner is requesting a modification of his term of imprisonment under the amended 18 U.S.C. § 3582(c)(1)(A), the motion would more appropriately be filed in his criminal case, United States v. Alvarado, 1:12-cr-20059 (S.D. Fl.) (WJZ), for consideration by the sentencing court;

THEREFORE, IT IS on this 18th day of December, 2019 ORDERED that the Clerk shall transfer the motion to the United States District Court for the Southern District of Florida for filing in United States v. Alvarado, 1:12-cr-20059 (S.D. Fl.) (WJZ) as a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A); and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order on Petitioner by regular first-class mail and close this matter.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.